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ATTORNEY FOR WISCTEX, LLC

# IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF WISCONSIN

IN RE:	§	Chapter 7
MICHAEL L. GALESKY	<b>8</b> <b>§</b>	CASE NO. 20-25509-GMH-7
Debtor.	\$ <b>§</b>	
WISCTEX, LLC	§	
Plaintiff	§	
	§	
<b>v.</b>	§	
MICHAEL L. GALESKY	§	<b>CASE NO. 20-02146</b>
	§	
Defendant.	§	

# CREDITOR'S WITNESS LIST

Comes now WiscTex LLC Creditor in the above-styled and numbered bankruptcy case ("Creditor") and files this its Creditor's Witness.

# **Witnesses**

At the hearing, the Creditor may call the following persons to testify as witnesses:

#### 1. Michael L. Galesky

Galesky will be called on to present testimony regarding the nature, history, ownership, value and transfers of assets. Galesky will be called on to present testimony regarding the nature of financial transactions undertaken in the years since the indebtedness to WiscTex, LLC or its predecessors in interest was owed. Galesky will be called on to testify regarding the accumulation and disposition of money received from Johnson Creek Enterprises and from his dealings with Antares Yachts.

#### 2. Belinda Galesky-Fuller

Creditor's Witness List

This is the sister of the Debtor, the tenant in the property located at 313 S. Marshall Avenue and the realtor/broker who handled the sale in 2020. This witness will be called upon to discuss her authority to transact business on behalf of Debtor; whether she is holding or in possession of any property of the Debtor; the sales transaction regarding this property, including any contracts, appraisals or other documents related thereto; the marketing of the property for Sale; negotiations related to the sale of the property and the value of the property.

#### 3. Bruce Fuller

This is the brother in law of the Debtor, the tenant in the property located at 313 S. Marshall Avenue and the realtor/broker who handled the sale in 2020. This witness will be called upon to discuss his authority to transact business on behalf of Debtor; whether he is holding or in possession of any property of the Debtor; the sales transaction regarding this property, including any contracts, appraisals or other documents related thereto; the marketing of the property for Sale; negotiations related to the sale of the property and the value of the property. As the owner of Axiom Virtual Tours, an entity which owes the Debtor a Note, this witness will also be called on to discuss any and all topics related to the Axiom Virtual Note and whether the Debtor has any interests in this entity.

 George Schmidely, Affiliated Financial Advisors 2600 N. Mayfair Road, Suite 200 Milwaukee, WI 53226

Mr. Schmidely will be called on to testify regarding his meetings and correspondence with the Debtor and or Debtor's agents, representatives and counsel regarding the Nationwide Annuity. Mr. Schmidely will be called on testify regarding his prior dealings with Debtor's counsel.

#### 6. Kim Wise, WiscTex, LLC

Wise will present testimony regarding WiscTex, LLC's claim against the Debtor, review of Debtor's bankruptcy documents, review of Debtor's transfer of assets, and opinions of the value of the assets listed in Debtor's schedules...

### 7. Doug Mann, Chapter 7 Trustee

The Trustee will be called on to testify regarding his review of the Debtor's Schedules and other bankruptcy documents, his examination of the debtor at the sec. 341 meetings regarding the disclosed assets, values and descriptions of same. The Trustee will be called on to give testimony regarding his independent investigation into the Debtor's affairs and his review of documents produced to him by the Debtor. The Trustee will be called on to testify regarding his efforts to investigate, inspect, value and sell Debtors assets and his findings from those investigations. The Trustee will be called on to testify regarding any causes of action Antares Yacht has against the Debtor and vice versa, and any efforts by the Debtor or the Trustee to enforce any claims.

# 8. Bryan Ward, State Court Attorney for WiscTex, LLC

Mr. Ward will be called on to testify regarding the history of the relationship with WiscTex, LLC and the Debtor, the institution of the state court litigation, any settlement negotiations pertaining thereto and the delay of Debtor in the state court litigation to hinder WiscTex, LLC's legitimate prosecution and collection of the debt owed to it.

#### 9. Jeff Woodman, Antares Yacht

Mr. Woodman will be called on to testify regarding the Debtor's purchase of a yacht from Antares Yacht and all monies transferred between Debtor and Antares Yacht pertaining to the yacht sale and any other transactions with the Debtor. Mr. Woodman will be called on to testify regarding any causes of action Antares Yacht has against the Debtor and vice versa, any efforts by the Debtor or the Trustee to enforce any claims.

10. Steve Silver, CPA; Samantha Gardebrecht, CPA and/or any custodian of records of Baker Tilly Virchow Krause, LLP.

These CPA and/or tax preparers prepared Debtor's tax returns for the years 2014- 2019 and will be called on to testify regarding the Debtor's financial affairs.

# 11. Lee Gould/Michael D. Pakter, Gould and Pakter Associates, LLC

These expert witnesses may be called on to testify regarding forensic review of Debtor's financial affairs, tracing of assets, analysis of financial transactions, balances, determination of source of funds used to acquire assets and valuation of Debtor's assets.

### 12. Robert Kokoff and Kitty Kokoff

Owners and agents of Lakeland Property Management, purchaser of the 313 S. Marshall Avenue property from the Debtor in 2020 and party to the option contract with Belinda and Bruce Fuller for the property. Testimony will include interactions and dealings with the Debtor and the Debtor's representatives and agents and Bruce and Belinda Fuller regarding the purchase of this asset.

- 13. James Buchta, Buchta Appraisal Appraiser of Marshall Avenue Property.
- 14. Michael K. Benton, CPA for Doug Mann, Chapter 7 Trustee. Mr. Benton will be called on to discuss his findings regarding the Debtor's financial affairs.
  - 14. Any witness designated by any other party or needed for impeachment.

Creditor reserves the right to call one or more, or none, of the witnesses listed above, and reserves the right to call additional witnesses and introduce additional exhibits in rebuttal. Creditor further reserves the right to supplement this list prior to the hearing.

Dated: November 17, 2021.

Respectfully Submitted

/s/ Joyce W. Lindauer

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ATTORNEYS FOR WISCTEX, LLC

#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on November 17, 2021, a true and correct copy of the foregoing document was served via email pursuant to the Court's ECF system as follows:

MURPHY DESMOND S.C.

33 East Main Street Suite 500 P.O. Box 2038 Madison, WI 53701-2038 Attorneys for Trustee

Chapter 7 Trustee 740 N. Plankinton Ave., #736 Milwaukee, WI 53203 (414) 276-5355 (telephone) (414) 276-5350 (facsimile) dfmannlaw@gmail.com Via ECF Filing

Brian Becker A HANSON & PAYNE, LLC 740 N. James Lovell St. Milwaukee, Wisconsin 53233 (414) 271-4550 Phone

Creditor's Witness List

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(414) 271-7731 Fax bbecker@hansonpayne.co Via electronic filing

U.S. Trustee – Via ECF Filing

/s/ Joyce W. Lindauer

Joyce W. Lindauer